

NOV 12 2015

## BEFORE THE REAL ESTATE COMMISSION

REAL ESTATE COMMISSION  
BY *Adam Paul Laxalt*

## STATE OF NEVADA

JOSEPH R. DECKER, Administrator,  
REAL ESTATE DIVISION, DEPARTMENT  
OF BUSINESS & INDUSTRY,  
STATE OF NEVADA,

Case No. 2015-715

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

MARK R. BOWMAN,

Respondent.

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division"), by and through its counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Keith E. Kizer, Deputy Attorney General, hereby notifies RESPONDENT MARK R. BOWMAN ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("Commission"). The hearing will be held pursuant to Chapters 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.633 and/or NRS 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint licensed by the Division as a Broker under license numbers B.0141558.INDV and B.0041558.CORP, and is therefore subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

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**FACTUAL ALLEGATIONS**

1. RESPONDENT was licensed by the Division as a Broker, license numbers B.0141558.INDV and B.0041558.CORP, from February 1, 2012, until May 7, 2015.

2. RESPONDENT has been licensed by the Division as a Broker Salesperson, license number BS.0041558.MGR since May 7, 2015, and as a Property Manager, permit number PM.0163498.DES since May 12, 2015, and is in active status.

3. At all times relevant to the Complaint, RESPONDENT was associated with O48 Realty of Las Vegas ("O48 Realty").

4. Elana K. N. Williams ("Williams") was licensed as a Salesperson, license number S.0170937, and as a Property Manager, permit number PM.0165228, and was associated with RESPONDENT and O48 Realty at the relevant times mentioned in this Complaint.

5. From April 5, 2014, until October 13, 2014, Williams acted as the bookkeeper or in a related position at O48 Realty.

6. O48 Realty received rent payments from tenants in the form of cash, check, or money order.

7. Williams directed O48 Realty's receptionist to not fill in the payee line or the property address on any applicable checks and money orders submitted to O48 Realty.

8. On or about May 1, 2014, Williams received but did not deposit a \$1,000 money order into O48 Realty's management trust account at Nevada State Bank.

9. On or about May 7, 2014, Williams received but did not deposit a \$700 money order into O48 Realty's management trust account at Nevada State Bank.

10. On or about May 30, 2014, Williams received but did not deposit a \$650 money order into O48 Realty's management trust account at Nevada State Bank.

11. On or about June 2, 2014, Williams received but did not deposit a \$970 money order into O48 Realty's management trust account at Nevada State Bank.

12. On or about June 2, 2014, Williams received but did not deposit a \$1,000 money order into O48 Realty's management trust account at Nevada State Bank.

1           13.    On or about June 2, 2014, Williams received but did not deposit a \$650 payment  
2 into O48 Realty's management trust account at Nevada State Bank.

3           14.    On or about June 2, 2014, Williams received but did not deposit a \$600 money  
4 order into O48 Realty's management trust account at Nevada State Bank.

5           15.    On or about June 2, 2014, Williams received but did not deposit an \$870 money  
6 order into O48 Realty's management trust account at Nevada State Bank.

7           16.    On or about June 2, 2014, Williams received but did not deposit a \$750 money  
8 order into O48 Realty's management trust account at Nevada State Bank.

9           17.    On or about June 4, 2014, Williams received but did not deposit a \$1,695 money  
10 order into O48 Realty's management trust account at Nevada State Bank.

11          18.    On or about June 5, 2014, Williams received but did not deposit a \$1,795 money  
12 order into O48 Realty's management trust account at Nevada State Bank.

13          19.    On or about June 8, 2014, Williams received but did not deposit a \$700 money  
14 order into O48 Realty's management trust account at Nevada State Bank.

15          20.    On or about June 12, 2014, Williams received but did not deposit a \$650 in cash  
16 into O48 Realty's management trust account at Nevada State Bank.

17          21.    On or about June 25, 2014, Williams received but did not deposit a \$2,150  
18 money order into O48 Realty's management trust account at Nevada State Bank.

19          22.    On or about June 27, 2014, Williams received but did not deposit a \$1,600  
20 money order into O48 Realty's management trust account at Nevada State Bank.

21          23.    On or about July 1, 2014, Williams received but did not deposit a \$1,800 money  
22 order into O48 Realty's management trust account at Nevada State Bank.

23          24.    On or about July 7, 2014, Williams received but did not deposit a \$700 money  
24 order into O48 Realty's management trust account at Nevada State Bank.

25          25.    On or about July 9, 2014, Williams received but did not deposit a \$1,200 money  
26 order into O48 Realty's management trust account at Nevada State Bank.

27          26.    On or about July 18, 2014, Williams received but did not deposit an \$820  
28 payment into O48 Realty's management trust account at Nevada State Bank.

28. On or about August 1, 2014, Williams received but did not deposit a \$1,000 money order into O48 Realty's management trust account at Nevada State Bank.

29. On or about August 5, 2014, Williams received but did not deposit a \$1,795 money order into O48 Realty's management trust account at Nevada State Bank.

30. On or about August 5, 2014, Williams received but did not deposit a \$1,800 check into O48 Realty's management trust account at Nevada State Bank.

31. On or about August 6, 2014, Williams received but did not deposit a \$960 payment into O48 Realty's management trust account at Nevada State Bank.

32. On or about September 2, 2014, Williams received but did not deposit a \$2,030 in cash into O48 Realty's management trust account at Nevada State Bank.

33. On or about September 5, 2014, Williams received but did not deposit a \$1,795 money order into O48 Realty's management trust account at Nevada State Bank.

34. On or about September 12, 2014, Williams received but did not deposit a \$1,095 money order into O48 Realty's management trust account at Nevada State Bank.

35. On or about October 3, 2014, Williams received but did not deposit a \$1,795 money order into O48 Realty's management trust account at Nevada State Bank.

36. On or about October 7, 2014, Williams received but did not deposit a \$700 money order into O48 Realty's management trust account at Nevada State Bank.

## VIOLATIONS

**RESPONDENT** has committed the following violations of law:

37. RESPONDENT violated NAC 645.600(1) by failing to maintain adequate supervision of Williams.

38. RESPONDENT violated NRS 645.633(1)(h), pursuant to NAC 645.605(1), by failing to do his utmost to protect the public against fraud, misrepresentation or unethical practices related to real estate.

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**DISCIPLINE AUTHORIZED**

39. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose an administrative fine of up to \$10,000 per violation against RESPONDENT and further to suspend, revoke or place conditions on the license of RESPONDENT.

40. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the Commission otherwise imposes discipline on RESPONDENT.

41. Therefore, the Division requests that the Commission take such disciplinary action as it deems appropriate under the circumstances.

**NOTICE OF HEARING**

PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider the Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

THE HEARING WILL TAKE PLACE on December 16, 2015 commencing at 9:00 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing at 9:00 a.m. through December 17, 2015, or earlier if the business of the Commission is concluded. The Commission meeting will be held on December 16, 2015, at the Nevada Department of Employment Training and Rehabilitation, 2800 East St. Louis Avenue, Conference Room A-C, Las Vegas, NV 89104. The meeting will continue on December 17, 2015, should business not be concluded, starting at 9:00 a.m. at the Henderson City Hall, Council Chambers, 240 South Water Street, Henderson, Nevada 89015.

STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same time as part of a regular meeting of the Commission that is expected to last from December 16 through December 17, 2015, or earlier if the business of the Commission is concluded. Thus, your hearing may be continued until later in the day or from day to day. It is your responsibility to be present when your case is called. If you are not

1 present when your hearing is called, a default may be entered against you and the  
2 Commission may decide the case as if all allegations in the complaint were true. If you  
3 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-  
4 4074.

5 YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an  
6 open meeting under Nevada's open meeting law, and may be attended by the public. After  
7 the evidence and arguments, the commission may conduct a closed meeting to discuss your  
8 alleged misconduct or professional competence. A verbatim record will be made by a certified  
9 court reporter. You are entitled to a copy of the transcript of the open and closed portions of  
10 the meeting, although you must pay for the transcription.

11 As the Respondent, you are specifically informed that you have the right to appear and  
12 be heard in your defense, either personally or through your counsel of choice. At the hearing,  
13 the Division has the burden of proving the allegations in the complaint and will call witnesses  
14 and present evidence against you. You have the right to respond and to present relevant  
15 evidence and argument on all issues involved. You have the right to call and examine  
16 witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant  
17 to the issues involved.

18 You have the right to request that the Commission issue subpoenas to compel  
19 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you  
20 may be required to demonstrate the relevance of the witness' testimony and/or evidence.  
21 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter  
22 233B, and NAC 645.810 through 645.875.

23 The purpose of the hearing is to determine if the Respondent has violated NRS 645  
24 and/or NAC 645 and if the allegations contained herein are substantially proven by the

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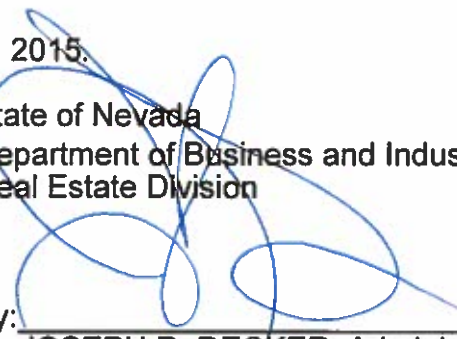
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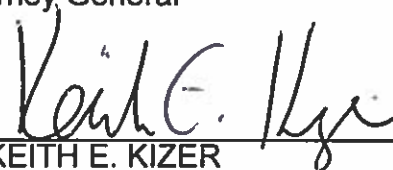
1 evidence presented and to further determine what administrative penalty is to be assessed  
2 against the Respondent, if any, pursuant to NRS 645.633 and/or NRS 645.630.

3 DATED this 12<sup>th</sup> day of November, 2015.

4 State of Nevada  
5 Department of Business and Industry  
6 Real Estate Division

7 By:   
8 JOSEPH R. DECKER, Administrator  
9 2501 East Sahara Avenue  
10 Las Vegas, Nevada 89104-4137  
11 (702) 486-4033

12 ADAM PAUL LAXALT  
13 Attorney General

14 By:   
15 KEITH E. KIZER  
16 Deputy Attorney General  
17 555 East Washington Avenue, Suite 3900  
18 Las Vegas, Nevada 89101  
19 (702) 486-3326  
20 Attorneys for Real Estate Division